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ORIGINAL FILED

AUG 27 2008

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

7 Attorneys for Gartner, Inc. and  
8 Computer Financial Consultants, Inc.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 JENNIFER BOSSIN

14 Plaintiff,

15 vs.

16 GARTNER CONSULTING GROUP;  
17 COMPUTER FINANCIAL CONSULTANTS;  
18 AND DOES 1 through 20, inclusive,

19 Defendants.

20 CASE NO.

21 NOTICE OF REMOVAL

22 SBA

23 Case No. \_\_\_\_\_

24 NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT

1 TO THE CLERK OF THE ABOVE-TITLED COURT, ALL PARTIES AND THEIR  
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that defendants Gartner, Inc. ("Gartner") and Computer  
4 Financial Consultants, Inc. ("CFC")<sup>1</sup> hereby remove this action from the Superior Court of the  
5 State of California, County of San Francisco, to the United States District Court for the Northern  
6 District of California pursuant to 28 U.S.C. §§1332(a)(1) and 1441(a), and in support thereof,  
7 respectfully allege as follows:

8 1. Defendants Gartner and CFC petition that this action be removed to federal court  
9 on the basis of diversity of citizenship.

10 2. Effective July 29, 2008, Plaintiff Jennifer Bossin served on Defendants Gartner and  
11 CFC a Complaint in the Superior Court of the State of California, County of San Francisco  
12 ("Superior Court Action"). The docket number assigned to the Superior Court Action is CGC-08-  
13 477180. A true and correct copy of the Summons and Complaint, and the Answer and  
14 Affirmative Defenses of Defendants Gartner and CFC, filed in the Superior Court Action, are  
15 attached hereto as Exhibit A and are incorporated herein by reference. The documents attached  
16 hereto constitute all process, pleadings, and orders served in the Superior Court Action.

17 3. Defendant Does 1 through 20 are also named in the Superior Court Action. These  
18 unknown defendants are not required to join in the removal notice. See, e.g., Fristoe v. Reynolds  
19 Metals Co., 615 F.2d 1209, 1213 (9th Cir. 1980).

20 4. The Superior Court Action is a suit of a wholly civil nature of which the United  
21 States District Court of the Northern District of California has diversity jurisdiction under 28  
22 U.S.C. §1332(a)(1), and is a suit that may be removed by Petitioner pursuant to 28 U.S.C.  
23 §1441(a).

24  
25 <sup>1</sup> While Plaintiff has named Gartner Consulting Group as a defendant, no such entity exists.  
26 Plaintiff alleges that CFC is the wholly owned subsidiary of Gartner Consulting Group, which it is  
27 not. CFC is a subsidiary of Gartner, Inc., which, based on plaintiffs' allegations, has made an  
28 appearance in this case. Both Gartner and CFC reserve the right to move to correct and/or dismiss  
themselves from this action at the appropriate time.

1           5.       Specifically, this Court has diversity jurisdiction over this action because:

2                   (a)       Defendants are informed and believe that plaintiff is an individual who is a  
3 citizen of California and a resident of San Francisco, California.

4                   (b)       Defendant Gartner, Inc. is a corporation incorporated under the laws of the  
5 State of Delaware, with its principal place of business in Stamford, Connecticut.

6                   (c)       Defendant Computer Financial Consultants, Inc. is a wholly owned  
7 subsidiary of Gartner, Inc., incorporated under the laws of the state of Delaware, with its principal  
8 place of business in Stamford, Connecticut.

9                   (d)       Pursuant to 28 U.S.C. § 1441(a), the citizenship of Defendant Does 1-20  
10 shall be disregarded for purposes of removal.

11                   (e)       The amount in controversy exceeds \$75,000 in that the Plaintiff seeks, inter  
12 alia, monetary damages for violations of California Government Code § 12940, et seq.  
13 Specifically, Plaintiff alleges that defendants engaged in sex discrimination, including wrongful  
14 termination of her employment, sexual harassment and the creation of a hostile work environment.  
15 Plaintiff claims that she is entitled to compensatory damages, punitive damages, interest,  
16 attorneys' fees and costs.

17           6.       The United States District Court for the Northern District of California embraces  
18 the place, San Francisco, California, where the Superior Court Action is currently pending.

19           7.       The Superior Court Action is therefore one over which the United States District  
20 Court for the Northern District of California has diversity jurisdiction under 28 U.S.C.  
21 §1332(a)(1), and this action may be removed to this Court by Petitioner pursuant to 28 U.S.C.  
22 §1441(a).

23           8.       This petition is being filed pursuant to 28 U.S.C. §1446(b) within thirty days from  
24 service of the Complaint upon a defendant on July 29, 2008.

25           9.       A Notice of Removal to Federal Court will be filed and served today in Superior  
26 Court of the State of California for the County of San Francisco in Bossin v. Gartner Consulting  
27 Group, et al., Case Number CGC-08-477180. A true and correct copy of that Notice is attached  
28 hereto as Exhibit B.

10. This Notice of Removal has been signed pursuant to Fed. R. Civ. P. 11.

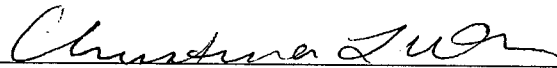
11. Defendants intend no admission of fact, law, or liability by this Notice, and reserve  
all defenses, motions, and pleas.

WHEREFORE, Defendants Gartner, Inc. and Computer Financial Consultants, Inc.  
respectfully request that this action be removed from the Superior Court of the State of California,  
County of San Francisco to the United States District Court for the Northern District of California.

DATED:

Respectfully submitted,

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

By   
Christina L. Wu  
Attorneys for Gartner, Inc. and  
Computer Financial Consultants, Inc.

# **EXHIBIT A**



San Francisco Superior Courts  
Information Technology Group

**Document Scanning Lead Sheet**

Jul-08-2008 9:51 am

Case Number: CGC-08-477180

Filing Date: Jul-08-2008 9:43

Juke Box: 001 Image: 02176268

COMPLAINT

JENNIFER BOSSIN VS. GARTNER CONSULTING GROUP et al

001C02176268

**Instructions:**

Please place this sheet on top of the document to be scanned.

# SUMMONS (CITACION JUDICIAL)

SUM-100

**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**GARTNER CONSULTING GROUP, COMPUTER FINANCIAL  
CONSULTANTS and DOES 1 through 20, inclusiveFOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JENNIFER BOSSIN

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SAN FRANCISCO COUNTY SUPERIOR COURT  
400 McAllister Street  
San Francisco, CA 94102CASE NUMBER:  
08-477180

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

EMILY A. NUGENT, ESQ.

(415) 722-4481

VINICK LAW FIRM

350 Sansome Street, Suite 300  
San Francisco, CA 94104

DATE:

(Fecha) JUL 8 - 2008

GORDON PARK-LI

Clerk, by

William C. Bartlett

Deputy

(Secretario)

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>EMILY A. NUGENT, ESQ., SBN: 255048</b> <b>SHARON R. VINICK, ESQ., SBN: 129914</b> <b>VINICK LAW FIRM</b> <b>350 Sansome Street, Suite 300</b> <b>San Francisco, CA 94104</b> TELEPHONE NO.: (415) 722-4481 FAX NO.: (415) 286-6338 ATTORNEY FOR (Name): <b>Plaintiff</b>		<b>FILED</b> Superior Court of California County of San Francisco <b>JUL 8 - 2008</b> <b>11:11 A.M.</b> <b>GORDON PARKER, Clerk</b> BY: <i>[Signature]</i> Deputy Clerk	CM-010
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: San Francisco, CA 94102 CITY AND ZIP CODE: BRANCH NAME:		CASE NAME: <b>BOSSIN v. GARTNER CONSULTING GROUP, et al:</b>	
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NUMBER: <b>CGC-08-477180</b> JUDGE: DEPT:		DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DPD/WD (23) <b>Non-P/DPD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DPD/WD tort (35) <b>Employment</b> <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **Five**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 2, 2008

EMILY A. NUGENT, ESQ., SBN: 255048

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2



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13 Facsimile: (510) 835-0415  
14 E-mail: courtmail@boxerlaw.com

15 Attorneys for Plaintiff

**SUMMONS ISSUED**

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

16 JENNIFER BOSSIN,

17 Plaintiff,

18 vs.

19 GARTNER CONSULTING GROUP;  
20 COMPUTER FINANCIAL  
21 CONSULTANTS; AND DOES 1  
22 THROUGH 20, inclusive

23 Defendants.

Case **08C-08-477180**

**COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL**

(Violation of Fair Employment and Housing Act)

24 Plaintiff JENNIFER BOSSIN alleges as follows:  
25  
26 /  
27  
28

**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

**FILED**

Superior Court of California  
County of San Francisco

JUL 8

2008

GORDON PARKER, Clerk

BY: [Signature] Deputy Clerk

**CASE MANAGEMENT CONFERENCE SET**

**DEC 5 - 2008 - 9 AM**

**DEPARTMENT 212**

**I. JURISDICTIONAL FACTS**

1  
2           1.     Plaintiff, JENNIFER BOSSIN ("Bossin" or "Plaintiff") worked in and was a  
3 resident of the City San Francisco, which is located in San Francisco County, when she was hired by  
4 Computer Financial Consultants ("CFC"), which is a wholly owned subsidiary of Gartner Consulting  
5 Group ("Gartner"). Bossin was hired as a Vice President in 2001. Bossin's employment with Gartner  
6 and CFC (collectively, "Defendants") was pursuant to a written agreement, which was later modified  
7 by certain policies, practices, assurances and other statements, both oral and written.  
8

9           2.     Defendant Gartner Consulting Group ("Gartner") is a Delaware corporation,  
10 with its headquarters in Stamford, Connecticut. Gartner employs approximately 4,000 associates and  
11 has corporate offices throughout the United States, including five locations in California.  
12

13           3.     Defendant Computer Financial Consultants ("CFC"), a wholly owned, but  
14 separately managed, subsidiary of Gartner, which was acquired by Gartner in 1999. CFC, which has  
15 its headquarters in Florida, has two divisions, one of which is based in the United States and one of  
16 which is based in Europe.

17           4.     The true names and capacities, whether individual, corporate, associate or  
18 otherwise, and the true involvement of Defendants sued herein as DOES 1 through 20, inclusive, are  
19 unknown to Plaintiff who therefore sues said Defendants by such fictitious names and will amend this  
20 Complaint to show the true names, capacities and involvement when ascertained. Plaintiff is  
21 informed and believes and thereon alleges that each of the Defendants designated as a DOE is  
22 responsible in some manner for the events and happenings herein referred to, and that Plaintiff's  
23 injuries and damages (as hereinafter set forth) were proximately caused by said Defendants.  
24

25           5.     Plaintiff is informed and believes and thereon alleges that at all times herein  
26 mentioned, each of the Defendants sued herein was the agent and/or employee of each of the  
27  
28

1 remaining Defendants, and each of them, was at all times acting within the purpose and scope of such  
2 agency and employment.

3 **GENERAL ALLEGATIONS COMMON TO ALL CLAIMS**

4  
5 6. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 5, above, as  
6 though fully set forth herein.

7 7. Plaintiff has worked in the technology field for almost twenty years. She  
8 first worked for Gartner from 1997 to 2000.

9 8. In 2000, Bossin left Gartner to pursue an opportunity with an internet start-  
10 up company which later dissolved. Subsequently, Bossin contacted Michael Fleischer ("Fleischer"),  
11 the then-chair of Gartner, and indicated that she was looking for a job. Fleischer suggested that  
12 Plaintiff consider various positions at Gartner, including one with CFC.

13  
14 9. In 2001, the head of CFC, Mike Parrish ("Parrish") interviewed Bossin for a  
15 position as Vice-President, which was a position requiring direct contact with clients (also referred to  
16 as a "client-facing position.") Bossin was the first woman to be interviewed for a client-facing  
17 position with CFC. During the interview, Parrish expressed concerns about whether a woman could  
18 effectively perform in CFC, although added, "It doesn't hurt that you don't look like the back of the  
19 bus." Plaintiff did not respond to the comment, as she believed that doing so might affect her chances  
20 of receiving a job offer.

21  
22 10. Eventually Parrish offered Bossin a job as Vice-President with CFC, a position which  
23 she accepted, thus becoming the only woman in CFC who had ever been in a client-facing position.  
24 Plaintiff is informed, and believes, that CFC still has not had any other woman in a client-facing  
25 position.

26 /

1           11. During all relevant periods, CFC had approximately sixteen employees  
2 who were Vice-Presidents and worked in client-facing roles. These employees were split between the  
3 United States and European Divisions. Most of the CFC employees who were located in the United  
4 States worked in Stamford, Connecticut.

5           12. Bossin, who was living in California at the time of her hire, was assigned  
6 clients who were on the West Coast. Thus, it was agreed that Bossin would "telecommute" and  
7 remain in California, working from home.

8           13. From the beginning of her tenure at CFC, Bossin was subjected to a  
9 hostile work environment which was severe and pervasive. Sexual comments, photographs, jokes  
10 and stories permeated the all work-related activities, including telephone calls and meetings in which  
11 Bossin's attendance was required. This environment was symptomatic of the pervasive "Boy's Club"  
12 in which she was required to work, which favored male employees, often at the expense of Bossin  
13 who found the atmosphere to be both offensive and demeaning. Moreover, this environment was  
14 indicative of the implicit bias of Defendants against female employees, including Bossin.

15           14. On numerous occasions, Bossin considered submitting a complaint regarding this  
16 hostile work environment. However, because her direct supervisor, Parrish, participated in this  
17 conduct, Bossin believed that doing so would result in her being ostracized by her colleagues and  
18 possibly retaliated against by Parrish. Furthermore, based upon stories that she had heard regarding  
19 the Defendants' response to complaints of discrimination made by other female employees, Bossin  
20 believed that filing a formal complaint with Gartner's Human Resources Department would be futile.  
21 Therefore, instead of complaining to Parrish, or filing a formal complaint with Gartner's Human  
22 Resources Department, Bossin chose to concentrate on performing her job duties as well as possible.  
23  
24  
25  
26  
27  
28

1           15. During her tenure at CFC, Bossin developed a specialty in the health care  
2 field, an area in which CFC had previously not had a presence. While Parrish was supportive of  
3 Bossin's decision to move into the area of health care, even his support was tinged with his views of  
4 women. In her 2002 review, Ms. Bossin wrote that she intended to "Focus on industry vertical  
5 emerging: Healthcare." In response, Parrish wrote "This is an area Jen can focus on in 03 and may  
6 well suit her 'style'."

7  
8           16. During her tenure at CFC, Parrish consistently refused to provide Bossin  
9 with the support and assistance that he gave to her male colleagues. For example, when one of  
10 Bossin's male colleagues was working on a deal involving software with which he was unfamiliar,  
11 Parrish spent weeks working with her colleague, in order to assist him in making a client  
12 presentation. When Bossin asked Parrish to help her on a deal involving software with which she was  
13 unfamiliar, Parrish did not travel to visit her, and only provided her with a stock set of materials that  
14 had been used in another deal.  
15

16           17. In the fall of 2006, Bossin finally confronted her boss, Mike Parrish, regarding this  
17 disparate treatment.

18           18. In October 2006, Bossin was making a presentation to a client regarding  
19 software with which she was unfamiliar. Bossin asked Parrish to help her in preparing the written  
20 materials that would be used at the presentation. While Parrish gave her some "stock" materials that  
21 she could use, he did not help her in crafting the presentation, although he customarily provided such  
22 help to her male peers.  
23

24           19. At the conclusion of the presentation, Parrish told Bossin that he was  
25 "disappointed" with the presentation and that, in his opinion, Bossin had not been prepared. Bossin  
26 responded by saying that Parrish had refused to help her prepare, although he customarily provided  
27  
28

1 her male colleagues with the support he had denied to her. The conversation escalated and both  
2 parties agreed that Bossin would fly to Connecticut the following week to continue the discussion.

3 20. The following week, Bossin traveled to Connecticut and met with Parrish.  
4 During their meeting, Bossin complained about Parrish's refusal to assist her. Bossin then said: You  
5 treat me differently. In response, Parrish asked: Are you different? Bossin responded: No, I have the  
6 same quota and do the same work. Parrish then looked at Bossin, paused, and said that he disagreed.  
7 In making these comments to Parrish, Bossin was identifying the implicit bias against women that  
8 permeated the manner in which he treated her, when contrasted to the manner in which he treated  
9 male colleagues.  
10

11 21. The conversation between Bossin and Parrish then turned to a discussion  
12 about the deals Bossin had in the works for the rest of 2006. Bossin indicated that she intended to  
13 make every effort to close as many deals as possible that year. At no point in the conversation did  
14 Parrish offer to assist Plaintiff in closing her deals, nor did he tell her that if she failed to close these  
15 deals that she may be terminated.  
16

17 22. On or about February 1, 2007, Bossin attended a CFC meeting in Florida.  
18 One evening, when the group was having cocktails, Patrick Smith ("Smith"), to whom Bossin was  
19 then directly reporting, told numerous jokes of sexual nature. Moreover, when a female Gartner  
20 employee who was present asked Smith about an open position in CFC, Smith responded that he  
21 would be willing to discuss the matter with her if she accompanied him to his room. Bossin, who  
22 witnessed these exchanges, felt humiliated and demeaned.  
23

24 23. On Tuesday, February 13, 2007, Parrish and a representative of the  
25 Human Resources Department called Bossin. During the call, which lasted less than five minutes,  
26 Parrish told Bossin that she was terminated due to "lack of performance." When Plaintiff asked if  
27  
28

1 Parrish would be having similar discussions with her peers who had underperformed in 2006, he said:  
2 No, just you. Bossin then said that, in her experience at Gartner, employees who were  
3 underperforming were put on an improvement plan, and then asked why she wasn't being offered that  
4 option. In reply, Parrish said, that he didn't think Bossin had ever been successful at CFC, nor would  
5 she ever be successful at CFC. He then told her that she would be paid all outstanding commission  
6 and expenses. Finally, he told her that she would be paid through March 30, 2007, although the  
7 termination of her duties was effective "immediately."  
8

9 24. Within the two weeks following Bossin's termination, CFC hired two men  
10 to work in the health care sector. Only one of these men, Greg Hardin, had experience in the health  
11 care industry. The other man, Scott Mullin, had no experience in health care.  
12

13 25. A month or two later, CFC hired another man, Peter Krasa, who was assigned to cover  
14 clients in Canada.

15 26. Upon information and belief, none of the men hired by CFC in 2007 made their quota.  
16 However, none of these men have been terminated.

17 27. On April 15, 2008, Plaintiff filed a complaint against CFC and Gartner with  
18 the California Department of Fair Employment and Housing. The filing of the DFEH complaint was  
19 timely under a tolling agreement reached by the parties.  
20

21 28. On April 24, 2008, Plaintiff received Right-to-Sue Notices from the  
22 Department of Fair Employment and Housing.

23 **FIRST CAUSE OF ACTION**

24 **(Wrongful Termination in Violation of Public Policy)**

25 29. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 28, above,  
26 as though fully set forth herein.  
27  
28



1           30. It is against the public policy of the State of California to terminate an  
2 employee on account of that employee's gender, as well as the employee's opposition to practices  
3 prohibited by the Fair Employment and Housing Act.

4           31. This public policy is embodied in, among other places, California Govt.  
5 Code § 12940, et seq and the California constitution.  
6

7           32. As set forth above, Defendants terminated Plaintiff based on her gender  
8 and because she complained that she was discriminated against on the basis of her gender.

9           33. As a result of Defendants' alleged conduct, Plaintiff has suffered loss of salary and  
10 other employment related benefits, and continues to suffer those losses, and expects to continue to  
11 suffer those losses until remedied through this action. Plaintiff also suffered extreme humiliation,  
12 mental anguish, and emotional and physical distress, all of which caused and continue to cause great  
13 physical and emotional pain and suffering.  
14

15           34. As a result of Defendants' unlawful acts, Plaintiff is also entitled to an  
16 award of attorneys' fees, and costs.

17           35. Defendants engaged in the acts alleged herein maliciously, fraudulently,  
18 and oppressively, and/or with the wrongful intention of injuring Plaintiff, and/or with an improper and  
19 evil motive amounting to malice. Plaintiff is thus entitled to recover punitive damages from  
20 Defendants in an amount to be proven at trial.  
21

22           WHEREFORE, Plaintiff prays for judgment as is further set forth below.

23                           **SECOND CAUSE OF ACTION**

24                           (Termination in Violation of  
25 Government Code § 12940, et seq.)

26           36. Plaintiff re-alleges and incorporates by reference paragraphs through 35, above,  
27 as though fully set forth herein.  
28

1           37. California Government Code §12940 protects against termination of an  
2 employee based on the employee's gender, as well as the employee's opposition to practices  
3 prohibited by the Fair Employment and Housing Act ("FEHA").  
4

5           38. As set forth above, Defendants terminated Plaintiff based on her gender  
6 and because she complained that she was discriminated against on the basis of her gender.

7           39. As a result of Defendants' alleged conduct, Plaintiff has suffered loss of salary and  
8 other employment related benefits, and continues to suffer those losses, and expects to continue to  
9 suffer those losses until remedied through this action. Plaintiff also suffered extreme humiliation,  
10 mental anguish, and emotional and physical distress, all of which caused and continue to cause great  
11 physical and emotional pain and suffering.  
12

13           40. As a result of Defendants' unlawful acts, Plaintiff is also entitled to an  
14 award of attorneys' fees, and costs.

15           41. Defendants engaged in the acts alleged herein maliciously, fraudulently,  
16 and oppressively, and/or with the wrongful intention of injuring Plaintiff, and/or with an improper and  
17 evil motive amounting to malice. Plaintiff is thus entitled to recover punitive damages from  
18 Defendants in an amount to be proven at trial.  
19

20           WHEREFORE, Plaintiff prays for judgment as is further set forth below.

21                           THIRD CAUSE OF ACTION

22                           (Sex Discrimination in Violation of  
23                           Government Code § 12940, et seq.)

24           42. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 41, above,  
25 as though fully set forth herein.

26           43. California Government Code §12940(a) protects against discrimination in  
27 terms, conditions, or privileges of employment against an employee on the basis of her sex.  
28

1           44. As set forth above, Defendants discriminated against Plaintiff on account of  
2 her sex by, *inter alia*, failing to provide her with the support and assistance provided to her male  
3 colleagues, subjecting her to different standards than her male colleagues, and treating her differently  
4 than her male colleagues. The failure to treat Plaintiff in the same manner as her male colleagues is  
5 indicative of the implicit bias against women that permeated Defendants' workplace.  
6

7           45. As a result of Defendants' alleged conduct, Plaintiff has suffered loss of salary and  
8 other employment related benefits, and continues to suffer those losses, and expects to continue to  
9 suffer those losses until remedied through this action. Plaintiff also suffered extreme humiliation,  
10 mental anguish, and emotional and physical distress, all of which caused and continue to cause, great  
11 physical and emotional pain and suffering.  
12

13           46. As a result of Defendants' unlawful acts, Plaintiff is also entitled to an  
14 award of attorneys' fees and costs.

15           47. In doing the things alleged herein, Defendants' conduct was despicable,  
16 and Defendants acted towards Plaintiff with malice, oppression, and fraud and with a willful and  
17 conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of punitive damages.  
18

19           WHEREFORE, Plaintiff prays for judgment as is further set forth below.

20                           **FOURTH CAUSE OF ACTION**

21                                   (Hostile Work Environment  
22                                   In Violation of Government Code § 12940, et seq.)

23           48. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 47, above,  
24 as though fully set forth herein.

25           49. California Government Code §12940(a) protects against discrimination  
26 against an employee on the basis of her sex.  
27 /  
28

1           50.     Discrimination the basis of sex includes, but is not limited to, sexual  
2 harassment and the creation of a hostile work environment.

3           51.     As set forth above, during Plaintiff's employment with Defendants, she was  
4 subjected to a hostile work environment in which sexual comments, photographs, jokes and stories  
5 permeated the workplace, often at the expense of Plaintiff who found the atmosphere to be both  
6 offensive and demeaning. This conduct on the part of Defendants was indicative of the implicit bias  
7 against women.  
8

9           52.     As a result of Defendants' alleged conduct, Plaintiff has suffered loss of salary and  
10 other employment related benefits, and continues to suffer those losses, and expects to continue to  
11 suffer those losses until remedied through this action. Plaintiff also suffered extreme humiliation,  
12 mental anguish, and emotional and physical distress, all of which caused and continue to cause, great  
13 physical and emotional pain and suffering.  
14

15           53.     As a result of Defendants' unlawful acts, Plaintiff is also entitled to an  
16 award of attorneys' fees and costs.

17           54.     In doing the things alleged herein, Defendants' conduct was despicable,  
18 and Defendants acted towards Plaintiff with malice, oppression, and fraud and with a willful and  
19 conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of punitive damages.  
20

21           WHEREFORE, Plaintiff prays for judgment as is further set forth below.

22                               **FIFTH CAUSE OF ACTION**

23                               **(Failure to Take All Reasonable Steps to Prevent Discrimination and Harassment**  
24                               **in Violation of California Fair Housing and Employment Act**  
25                               **California Government Code § 12940(k), et seq)**

26           55.     Plaintiffs re-allege and incorporate by reference paragraphs 1 through 54, above, as  
27 though fully set forth herein.  
28

58. As a result of the failure of Defendants to take all reasonable steps to prevent discrimination and harassment from occurring, Plaintiff was subjected to conduct that was severe and pervasive, was an ongoing and continuous course of conduct, and created a hostile work environment.

60. As a result of Defendants' unlawful acts, Plaintiff is also entitled to an award of attorneys' fees and costs.

61. In doing the things alleged herein, Defendants' conduct was despicable, and Defendants acted towards Plaintiff with malice, oppression, and fraud and with a willful and conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of punitive damages.

### PRAYER FOR RELIEF

1. For compensatory damages according to proof:

2. For punitive damages according to proof;
3. For attorneys fees with respect to the Second, Third, Fourth and Fifth Causes of Action;
4. For costs of suit;
5. For interest at the maximum legal rate on all sums awarded;
6. For such other relief that the Court deems just and proper.

Dated: July 2, 2008

VINICK LAW FIRM

BY: Emily Nugent  
EMILY A. NUGENT  
Attorneys for Plaintiff

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury for each and every claim for which she has a right to jury trial.

Dated: July 2, 2008

VINICK LAW FIRM

BY: Emily Nugent  
EMILY A. NUGENT  
Attorneys for Plaintiff

COPY

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
2 Scott G. Lawson (Bar No. 174671)  
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4 Christina Wu (Bar No. 233186)  
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6 50 California Street, 22nd Floor  
7 San Francisco, California 94111  
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9 Facsimile: (415) 875-6700

ENDORSED  
FILED  
Superior Court of California  
County of San Francisco

AUG 26 2008

GORDON PARK-LI, Clerk  
BY: ELIZABETH ZALDIVAR  
Deputy Clerk

10 Attorneys for Gartner, Inc. and  
11 Computer Financial Consultants, Inc.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF SAN FRANCISCO  
14 UNLIMITED JURISDICTION

15 JENNIFER BOSSIN,

16 Plaintiff,

17 vs.

18 GARTNER CONSULTING GROUP;  
19 COMPUTER FINANCIAL CONSULTANTS;  
20 AND DOES 1 THROUGH 20, inclusive,

21 Defendants.

CASE NO. CGC-08-477180

ANSWER AND AFFIRMATIVE  
DEFENSES OF DEFENDANTS  
GARTNER, INC. AND COMPUTER  
FINANCIAL CONSULTANTS, INC.



1 Defendants Gartner, Inc. ("Gartner") and Computer Financial Consultants, Inc.<sup>1</sup> ("CFC")  
 2 (collectively, "Defendants") hereby answer the unverified complaint ("Complaint") of plaintiff  
 3 Jennifer Bossin filed on July 8, 2008, by submitting the following Answer and Affirmative  
 4 Defenses:

#### 5 ANSWER

6 Answering each and all of the allegations of the unverified Complaint, pursuant to  
 7 California Code of Civil Procedure section 431.30, Defendants deny, generally and specifically,  
 8 each and every allegation in each and every paragraph of the Complaint and the whole thereof,  
 9 and further deny that plaintiff is entitled to damages or relief in any amount or kind by reason of  
 10 any act, breach or omission by Defendants.

#### 11 AFFIRMATIVE DEFENSES

12 Defendants assert the following affirmative defenses. By alleging these Affirmative  
 13 Defenses, Defendants are not in any way agreeing or conceding that they have the burden of proof  
 14 or burden of persuasion as to any of them.

#### 15 FIRST AFFIRMATIVE DEFENSE

16 1. Plaintiff failed to make reasonable efforts to mitigate her damages, if any, and any  
 17 damages awarded to plaintiff must be reduced accordingly.

#### 18 SECOND AFFIRMATIVE DEFENSE

19 2. The Complaint and each and every cause of action alleged therein are barred  
 20 because the Complaint has named as defendants entities that do not exist.

#### 21 THIRD AFFIRMATIVE DEFENSE

22 3. The Complaint and each and every cause of action alleged therein are barred  
 23 because the Complaint has named as defendants entities that did not employ plaintiff.  
 24

25 <sup>1</sup> While Plaintiff has named Gartner Consulting Group as a defendant, no such entity exists.  
 26 Plaintiff alleges that CFC is the wholly owned subsidiary of Gartner Consulting Group, which it is  
 27 not. CFC is a subsidiary of Gartner, Inc., which, based on plaintiffs' allegations, has made an  
 28 appearance in this case. Both Gartner and CFC reserve the right to move to correct and/or dismiss  
 themselves from this action at the appropriate time.

**FOURTH AFFIRMATIVE DEFENSE**

4. The Third, Fourth, and Fifth causes of action alleged in the Complaint are barred, in whole or in part, by the applicable statutes of limitations, including, without limitation, Code of Civil Procedure section 338 and 340 and Government Code sections 12960 and 12965.

**FIFTH AFFIRMATIVE DEFENSE**

5. Plaintiff has unreasonably delayed in bringing this action to the prejudice of Defendants, and thus her right to recover against defendants is barred by the doctrine of laches.

**SIXTH AFFIRMATIVE DEFENSE**

6. The Complaint and each and every cause of action alleged therein are barred because they fail to state facts sufficient to constitute a cause of action upon which relief may be granted.

**SEVENTH AFFIRMATIVE DEFENSE**

7. The Complaint and each and every cause of action alleged therein, are barred because plaintiff failed to exhaust the internal remedies available to her under her employer's policies and procedures.

**EIGHTH AFFIRMATIVE DEFENSE**

8. Any claim plaintiff purports to make for damages for unlawful harassment is barred or limited because her employer took reasonable steps to prevent and correct workplace harassment; plaintiff unreasonably failed to use the preventive and corrective measures provided; and reasonable use of these procedures would have prevented at least some of the harm that Plaintiff alleges she suffered.

**NINTH AFFIRMATIVE DEFENSE**

9. The Complaint, and each and every cause of action alleged therein, are barred, in whole or in part, by the doctrine of estoppel.

**TENTH AFFIRMATIVE DEFENSE**

10. The Complaint, and each purported cause of action therein, allege no facts that entitle plaintiff to an award of punitive damages.

**ELEVENTH AFFIRMATIVE DEFENSE**

11. The imposition of punitive damages in this case would violate the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution, and would fail to provide due process under Article I, section 7 of the California Constitution, and would constitute an excessive fine under the Excessive Fines clause of the California Constitution, because the standards of liability for punitive damages in California are unduly vague and subjective, and permit retroactive, random, arbitrary and capricious punishment that serves no legitimate governmental interest.

**TWELFTH AFFIRMATIVE DEFENSE**

12. Plaintiff's First Cause of Action does not support an award of attorneys' fees, as requested in the first cause of action.

**PRAYER**

WHEREFORE, Defendants pray from judgment in their favor and against plaintiff on all causes of action in the Complaint and that the Complaint be dismissed with prejudice, that plaintiff take nothing by her Complaint, and that Defendants be awarded costs, attorneys' fees, and such other and further relief as the Court may deem proper.

DATED: August 26, 2008

Respectfully submitted,

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

By Christina L. Wu  
Christina L. Wu  
Attorneys for Gartner, Inc. and  
Computer Financial Consultants, Inc.

**PROOF OF SERVICE**

I am employed in the County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 50 California Street, 22nd Floor, San Francisco, California 94111.

On August 26, 2008, I served true copies of the following document(s) described as **ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS GARTNER, INC. AND COMPUTER FINANCIAL CONSULTANTS, INC.** on the parties in this action as follows:

**SEE ATTACHED LIST**

**BY MAIL:** I enclosed the foregoing into sealed envelope(s) addressed as shown above, and I deposited such envelope(s) in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 26, 2008, at San Francisco, California.

  
Joseph LeRoy

**SERVICE LIST**

Sharon R. Vinick, Esq.  
Emily A. Nugent, Esq.  
Vinick Law Firm  
350 Sansome Street, Suite 300  
San Francisco, CA 94104

Leslie F. Levy, Esq.  
Boxer & Gerson, LLP  
300 Frank H. Ogawa Plaza, Suite 500  
Oakland, CA 94612

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# **EXHIBIT B**

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
2 Scott G. Lawson (Bar No. 174671)  
3 scottlawson@quinnemanuel.com  
4 Christina Wu (Bar No. 233186)  
5 christinawu@quinnemanuel.com  
6 50 California Street, 22nd Floor  
7 San Francisco, California 94111  
8 Telephone: (415) 875-6600  
9 Facsimile: (415) 875-6700

10 Attorneys for Gartner, Inc. and  
11 Computer Financial Consultants, Inc.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF SAN FRANCISCO  
14 UNLIMITED JURISDICTION

15 JENNIFER BOSSIN,

16 Plaintiff,

17 vs.

18 GARTNER CONSULTING GROUP;  
19 COMPUTER FINANCIAL CONSULTANTS;  
20 AND DOES 1 THROUGH 20, inclusive,

21 Defendants.

CASE NO. CGC-08-477180

**NOTICE OF REMOVAL**

Filing Date: August 27, 2008



1 TO THE CLERK OF THE ABOVE-TITLED COURT, ALL PARTIES, AND THEIR  
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §1446, Defendants Gartner, Inc.  
4 ("Gartner") and Computer Financial Consultants, Inc. ("CFC")<sup>1</sup> have removed the above-  
5 captioned matter to the United States District Court for the Northern District of California. A true  
6 and correct copy of the Notice of Removal filed in the federal court is appended hereto as Exhibit  
7 A.

8  
9 DATED: August 27, 2008

Respectfully submitted,

10 QUINN EMANUEL URQUHART OLIVER &  
11 HEDGES, LLP

12  
13 By Christina L. Wu  
14 Scott G. Lawson  
15 Christina L. Wu  
16 Attorneys for Defendants Gartner, Inc. and  
17 Computer Financial Consultants, Inc.  
18  
19  
20  
21  
22  
23  
24

25 <sup>1</sup> While Plaintiff has named Gartner Consulting Group as a defendant, no such entity exists.  
26 Plaintiff alleges that CFC is the wholly owned subsidiary of Gartner Consulting Group, which it is  
27 not. CFC is a subsidiary of Gartner, Inc., which, based on plaintiffs' allegations, has made an  
28 appearance in this case. Both Gartner and CFC reserve the right to move to correct and/or dismiss  
themselves from this action at the appropriate time.

# **EXHIBIT A**

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
2 Scott G. Lawson (Bar No. 174671)  
3 scottlawson@quinnemanuel.com  
4 Christina Wu (Bar No. 233186)  
5 christinawu@quinnemanuel.com  
50 California Street, 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

6  
7 Attorneys for Gartner, Inc. and  
8 Computer Financial Consultants, Inc.  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 JENNIFER BOSSIN

15 Plaintiff,

16 vs.

17 GARTNER CONSULTING GROUP;  
18 COMPUTER FINANCIAL CONSULTANTS;  
19 AND DOES 1 through 20, inclusive,

20 Defendants.  
21  
22  
23  
24  
25  
26  
27  
28

CASE NO.

NOTICE OF REMOVAL

Case No. \_\_\_\_\_

NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT

1 TO THE CLERK OF THE ABOVE-TITLED COURT, ALL PARTIES AND THEIR  
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that defendants Gartner, Inc. ("Gartner") and Computer  
4 Financial Consultants, Inc. ("CFC")<sup>1</sup> hereby remove this action from the Superior Court of the  
5 State of California, County of San Francisco, to the United States District Court for the Northern  
6 District of California pursuant to 28 U.S.C. §§1332(a)(1) and 1441(a), and in support thereof,  
7 respectfully allege as follows:

8 1. Defendants Gartner and CFC petition that this action be removed to federal court  
9 on the basis of diversity of citizenship.

10 2. Effective July 29, 2008, Plaintiff Jennifer Bossin served on Defendants Gartner and  
11 CFC a Complaint in the Superior Court of the State of California, County of San Francisco  
12 ("Superior Court Action"). The docket number assigned to the Superior Court Action is CGC-08-  
13 477180. A true and correct copy of the Summons and Complaint, and the Answer and  
14 Affirmative Defenses of Defendants Gartner and CFC, filed in the Superior Court Action, are  
15 attached hereto as Exhibit A and are incorporated herein by reference. The documents attached  
16 hereto constitute all process, pleadings, and orders served in the Superior Court Action.

17 3. Defendant Does 1 through 20 are also named in the Superior Court Action. These  
18 unknown defendants are not required to join in the removal notice. See, e.g., Fristoe v. Reynolds  
19 Metals Co., 615 F.2d 1209, 1213 (9th Cir. 1980).

20 4. The Superior Court Action is a suit of a wholly civil nature of which the United  
21 States District Court of the Northern District of California has diversity jurisdiction under 28  
22 U.S.C. §1332(a)(1), and is a suit that may be removed by Petitioner pursuant to 28 U.S.C.  
23 §1441(a).

24  
25 <sup>1</sup> While Plaintiff has named Gartner Consulting Group as a defendant, no such entity exists.  
26 Plaintiff alleges that CFC is the wholly owned subsidiary of Gartner Consulting Group, which it is  
27 not. CFC is a subsidiary of Gartner, Inc., which, based on plaintiffs' allegations, has made an  
28 appearance in this case. Both Gartner and CFC reserve the right to move to correct and/or dismiss  
themselves from this action at the appropriate time.

1           5.       Specifically, this Court has diversity jurisdiction over this action because:

2           (a)       Defendants are informed and believe that plaintiff is an individual who is a  
3 citizen of California and a resident of San Francisco, California.

4           (b)       Defendant Gartner, Inc. is a corporation incorporated under the laws of the  
5 State of Delaware, with its principal place of business in Stamford, Connecticut.

6           (c)       Defendant Computer Financial Consultants, Inc. is a wholly owned  
7 subsidiary of Gartner, Inc., incorporated under the laws of the state of Delaware, with its principal  
8 place of business in Stamford, Connecticut.

9           (d)       Pursuant to 28 U.S.C. § 1441(a), the citizenship of Defendant Does 1-20  
10 shall be disregarded for purposes of removal.

11           (e)       The amount in controversy exceeds \$75,000 in that the Plaintiff seeks, inter  
12 alia, monetary damages for violations of California Government Code § 12940, et seq.  
13 Specifically, Plaintiff alleges that defendants engaged in sex discrimination, including wrongful  
14 termination of her employment, sexual harassment and the creation of a hostile work environment.  
15 Plaintiff claims that she is entitled to compensatory damages, punitive damages, interest,  
16 attorneys' fees and costs.

17           6.       The United States District Court for the Northern District of California embraces  
18 the place, San Francisco, California, where the Superior Court Action is currently pending.

19           7.       The Superior Court Action is therefore one over which the United States District  
20 Court for the Northern District of California has diversity jurisdiction under 28 U.S.C.  
21 §1332(a)(1), and this action may be removed to this Court by Petitioner pursuant to 28 U.S.C.  
22 §1441(a).

23           8.       This petition is being filed pursuant to 28 U.S.C. §1446(b) within thirty days from  
24 service of the Complaint upon a defendant on July 29, 2008.

25           9.       A Notice of Removal to Federal Court will be filed and served today in Superior  
26 Court of the State of California for the County of San Francisco in Bossin v. Gartner Consulting  
27 Group, et al., Case Number CGC-08-477180. A true and correct copy of that Notice is attached  
28 hereto as Exhibit B.

10. This Notice of Removal has been signed pursuant to Fed. R. Civ. P. 11.

11. Defendants intend no admission of fact, law, or liability by this Notice, and reserve all defenses, motions, and pleas.

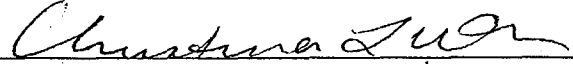
WHEREFORE, Defendants Gartner, Inc. and Computer Financial Consultants, Inc. respectfully request that this action be removed from the Superior Court of the State of California, County of San Francisco to the United States District Court for the Northern District of California.

DATED:

Respectfully submitted,

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

By

  
Christina L. Wu  
Attorneys for Gartner, Inc. and  
Computer Financial Consultants, Inc.

# **EXHIBIT A**

---





San Francisco Superior Courts  
Information Technology Group

**Document Scanning Lead Sheet**

Jul-08-2008 9:51 am

Case Number: CGC-08-477180

Filing Date: Jul-08-2008 9:43

Juke Box: 001 Image: 02176268

COMPLAINT

JENNIFER BOSSIN VS. GARTNER CONSULTING GROUP et al

001C02176268

**Instructions:**

Please place this sheet on top of the document to be scanned.

# SUMMONS (CITACION JUDICIAL)

SUM-100

**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**GARTNER CONSULTING GROUP, COMPUTER FINANCIAL  
CONSULTANTS and DOES 1 through 20, inclusiveFOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JENNIFER BOSSIN

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SAN FRANCISCO COUNTY SUPERIOR COURT  
400 McAllister Street  
San Francisco, CA 94102

Case Number: 08-477180

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

EMILY A. NUGENT, ESQ.

(415) 722-4481

VINICK LAW FIRM

350 Sansome Street, Suite 300  
San Francisco, CA 94104

DATE:

(Fecha) JUL 8 - 2008

GORDON PARK-LIC

Clerk, by

(Secretario)

Santana C. Bantista

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☐ other (specify):

4. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): <b>EMILY A. NUGENT, ESQ., SBN: 255048</b> <b>SHARON R. VINICK, ESQ., SBN: 129914</b> <b>VINICK LAW FIRM</b> <b>350 Sansome Street, Suite 300</b> <b>San Francisco, CA 94104</b> TELEPHONE NO.: (415) 722-4481 FAX NO.: (415) 286-6338 ATTORNEY FOR (Name): <b>Plaintiff</b>		<b>FILED</b> Superior Court of California County of San Francisco <b>JUL 8 - 2008</b> <b>11:11 A.M.</b> <b>GORDON PAIK, Clerk</b> BY: <i>[Signature]</i> Deputy Clerk	<b>CM-010</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: San Francisco, CA 94102 CITY AND ZIP CODE: BRANCH NAME:		CASE NUMBER: <b>CCC-08-477180</b> JUDGE: DEPT:	
CASE NAME: <b>BOSSIN v. GARTNER CONSULTING GROUP, et al.</b>			
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DPD/WD (23) <b>Non-P/DPD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DPD/WD tort (35) <b>Employment</b> <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties     d. ☐ Large number of witnesses
- b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve     e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☐ Substantial amount of documentary evidence     f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary     b. ☐ nonmonetary; declaratory or injunctive relief     c. ☐ punitive
4. Number of causes of action (specify): Five
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 2, 2008

EMILY A. NUGENT, ESQ., SBN: 255048

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

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15 Attorneys for Plaintiff

**SUMMONS ISSUED**

**SUPERIOR COURT OF CALIFORNIA**

**COUNTY OF SAN FRANCISCO**

**UNLIMITED JURISDICTION**

16 JENNIFER BOSSIN,

17 Plaintiff,

18 vs.

19 GARTNER CONSULTING GROUP;  
20 COMPUTER FINANCIAL  
21 CONSULTANTS; AND DOES 1  
22 THROUGH 20, inclusive

23 Defendants.

Case **08C-08-477180**

**COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL**

**(Violation of Fair Employment and Housing Act)**

24  
25 Plaintiff JENNIFER BOSSIN alleges as follows:  
26  
27  
28

**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

**FILED**  
Superior Court of California  
JUL 8 - County of San Francisco

JUL 11 11:00 AM

GORDON PARKER, Clerk  
By: *[Signature]* Deputy Clerk

**BASE MANAGEMENT CONFERENCE SET**

**DEC 5 - 2008 - 9 AM**

**DEPARTMENT 212**

**I. JURISDICTIONAL FACTS**

1  
2           1.     Plaintiff, JENNIFER BOSSIN ("Bossin" or "Plaintiff") worked in and was a  
3 resident of the City San Francisco, which is located in San Francisco County, when she was hired by  
4 Computer Financial Consultants ("CFC"), which is a wholly owned subsidiary of Gartner Consulting  
5 Group ("Gartner"). Bossin was hired as a Vice President in 2001. Bossin's employment with Gartner  
6 and CFC (collectively, "Defendants") was pursuant to a written agreement, which was later modified  
7 by certain policies, practices, assurances and other statements, both oral and written.  
8

9           2.     Defendant Gartner Consulting Group ("Gartner") is a Delaware corporation,  
10 with its headquarters in Stamford, Connecticut. Gartner employs approximately 4,000 associates and  
11 has corporate offices throughout the United States, including five locations in California.  
12

13           3.     Defendant Computer Financial Consultants ("CFC"), a wholly owned, but  
14 separately managed, subsidiary of Gartner, which was acquired by Gartner in 1999. CFC, which has  
15 its headquarters in Florida, has two divisions, one of which is based in the United States and one of  
16 which is based in Europe.

17           4.     The true names and capacities, whether individual, corporate, associate or  
18 otherwise, and the true involvement of Defendants sued herein as DOES 1 through 20, inclusive, are  
19 unknown to Plaintiff who therefore sues said Defendants by such fictitious names and will amend this  
20 Complaint to show the true names, capacities and involvement when ascertained. Plaintiff is  
21 informed and believes and thereon alleges that each of the Defendants designated as a DOE is  
22 responsible in some manner for the events and happenings herein referred to, and that Plaintiff's  
23 injuries and damages (as hereinafter set forth) were proximately caused by said Defendants.  
24

25           5.     Plaintiff is informed and believes and thereon alleges that at all times herein  
26 mentioned, each of the Defendants sued herein was the agent and/or employee of each of the  
27  
28

1 remaining Defendants, and each of them, was at all times acting within the purpose and scope of such  
2 agency and employment.

3  
4 GENERAL ALLEGATIONS COMMON TO ALL CLAIMS

5 6. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 5, above, as  
6 though fully set forth herein.

7 7. Plaintiff has worked in the technology field for almost twenty years. She  
8 first worked for Gartner from 1997 to 2000.

9 8. In 2000, Bossin left Gartner to pursue an opportunity with an internet start-  
10 up company which later dissolved. Subsequently, Bossin contacted Michael Fleischer ("Fleischer"),  
11 the then-chair of Gartner, and indicated that she was looking for a job. Fleischer suggested that  
12 Plaintiff consider various positions at Gartner, including one with CFC.

13 14 9. In 2001, the head of CFC, Mike Parrish ("Parrish") interviewed Bossin for a  
15 position as Vice-President, which was a position requiring direct contact with clients (also referred to  
16 as a "client-facing position.") Bossin was the first woman to be interviewed for a client-facing  
17 position with CFC. During the interview, Parrish expressed concerns about whether a woman could  
18 effectively perform in CFC, although added, "It doesn't hurt that you don't look like the back of the  
19 bus." Plaintiff did not respond to the comment, as she believed that doing so might affect her chances  
20 of receiving a job offer.

21 22 10. Eventually Parrish offered Bossin a job as Vice-President with CFC, a position which  
23 she accepted, thus becoming the only woman in CFC who had ever been in a client-facing position.  
24 Plaintiff is informed, and believes, that CFC still has not had any other woman in a client-facing  
25 position.  
26 /



1           11. During all relevant periods, CFC had approximately sixteen employees  
2 who were Vice-Presidents and worked in client-facing roles. These employees were split between the  
3 United States and European Divisions. Most of the CFC employees who were located in the United  
4 States worked in Stamford, Connecticut.

5  
6           12. Bossin, who was living in California at the time of her hire, was assigned  
7 clients who were on the West Coast. Thus, it was agreed that Bossin would "telecommute" and  
8 remain in California, working from home.

9           13. From the beginning of her tenure at CFC, Bossin was subjected to a  
10 hostile work environment which was severe and pervasive. Sexual comments, photographs, jokes  
11 and stories permeated the all work-related activities, including telephone calls and meetings in which  
12 Bossin's attendance was required. This environment was symptomatic of the pervasive "Boy's Club"  
13 in which she was required to work, which favored male employees, often at the expense of Bossin  
14 who found the atmosphere to be both offensive and demeaning. Moreover, this environment was  
15 indicative of the implicit bias of Defendants against female employees, including Bossin.

16  
17           14. On numerous occasions, Bossin considered submitting a complaint regarding this  
18 hostile work environment. However, because her direct supervisor, Parrish, participated in this  
19 conduct, Bossin believed that doing so would result in her being ostracized by her colleagues and  
20 possibly retaliated against by Parrish. Furthermore, based upon stories that she had heard regarding  
21 the Defendants' response to complaints of discrimination made by other female employees, Bossin  
22 believed that filing a formal complaint with Gartner's Human Resources Department would be futile.  
23 Therefore, instead of complaining to Parrish, or filing a formal complaint with Gartner's Human  
24 Resources Department, Bossin chose to concentrate on performing her job duties as well as possible.  
25  
26 /

1           15. During her tenure at CFC, Bossin developed a specialty in the health care  
2 field, an area in which CFC had previously not had a presence. While Parrish was supportive of  
3 Bossin's decision to move into the area of health care, even his support was tinged with his views of  
4 women. In her 2002 review, Ms. Bossin wrote that she intended to "Focus on industry vertical  
5 emerging: Healthcare." In response, Parrish wrote "This is an area Jen can focus on in 03 and may  
6 well suit her 'style'."

7  
8           16. During her tenure at CFC, Parrish consistently refused to provide Bossin  
9 with the support and assistance that he gave to her male colleagues. For example, when one of  
10 Bossin's male colleagues was working on a deal involving software with which he was unfamiliar,  
11 Parrish spent weeks working with her colleague, in order to assist him in making a client  
12 presentation. When Bossin asked Parrish to help her on a deal involving software with which she was  
13 unfamiliar, Parrish did not travel to visit her, and only provided her with a stock set of materials that  
14 had been used in another deal.  
15

16           17. In the fall of 2006, Bossin finally confronted her boss, Mike Parrish, regarding this  
17 disparate treatment.

18           18. In October 2006, Bossin was making a presentation to a client regarding  
19 software with which she was unfamiliar. Bossin asked Parrish to help her in preparing the written  
20 materials that would be used at the presentation. While Parrish gave her some "stock" materials that  
21 she could use, he did not help her in crafting the presentation, although he customarily provided such  
22 help to her male peers.  
23

24           19. At the conclusion of the presentation, Parrish told Bossin that he was  
25 "disappointed" with the presentation and that, in his opinion, Bossin had not been prepared. Bossin  
26 responded by saying that Parrish had refused to help her prepare, although he customarily provided  
27  
28



1 her male colleagues with the support he had denied to her. The conversation escalated and both  
2 parties agreed that Bossin would fly to Connecticut the following week to continue the discussion.

3       20. The following week, Bossin traveled to Connecticut and met with Parrish.  
4  
5 During their meeting, Bossin complained about Parrish's refusal to assist her. Bossin then said: You  
6 treat me differently. In response, Parrish asked: Are you different? Bossin responded: No, I have the  
7 same quota and do the same work. Parrish then looked at Bossin, paused, and said that he disagreed.  
8 In making these comments to Parrish, Bossin was identifying the implicit bias against women that  
9 permeated the manner in which he treated her, when contrasted to the manner in which he treated  
10 male colleagues.

11       21. The conversation between Bossin and Parrish then turned to a discussion  
12 about the deals Bossin had in the works for the rest of 2006. Bossin indicated that she intended to  
13 make every effort to close as many deals as possible that year. At no point in the conversation did  
14 Parrish offer to assist Plaintiff in closing her deals, nor did he tell her that if she failed to close these  
15 deals that she may be terminated.

16       22. On or about February 1, 2007, Bossin attended a CFC meeting in Florida.  
17  
18 One evening, when the group was having cocktails, Patrick Smith ("Smith"), to whom Bossin was  
19 then directly reporting, told numerous jokes of sexual nature. Moreover, when a female Gartner  
20 employee who was present asked Smith about an open position in CFC, Smith responded that he  
21 would be willing to discuss the matter with her if she accompanied him to his room. Bossin, who  
22 witnessed these exchanges, felt humiliated and demeaned.

23       23. On Tuesday, February 13, 2007, Parrish and a representative of the  
24 Human Resources Department called Bossin. During the call, which lasted less than five minutes,  
25 Parrish told Bossin that she was terminated due to "lack of performance." When Plaintiff asked if  
26  
27  
28

1 Parrish would be having similar discussions with her peers who had underperformed in 2006, he said:  
2 No, just you. Bossin then said that, in her experience at Gartner, employees who were  
3 underperforming were put on an improvement plan, and then asked why she wasn't being offered that  
4 option. In reply, Parrish said, that he didn't think Bossin had ever been successful at CFC, nor would  
5 she ever be successful at CFC. He then told her that she would be paid all outstanding commission  
6 and expenses. Finally, he told her that she would be paid through March 30, 2007, although the  
7 termination of her duties was effective "immediately."  
8

9 24. Within the two weeks following Bossin's termination, CFC hired two men  
10 to work in the health care sector. Only one of these men, Greg Hardin, had experience in the health  
11 care industry. The other man, Scott Mullin, had no experience in health care.  
12

13 25. A month or two later, CFC hired another man, Peter Krasa, who was assigned to cover  
14 clients in Canada.

15 26. Upon information and belief, none of the men hired by CFC in 2007 made their quota.  
16 However, none of these men have been terminated.

17 27. On April 15, 2008, Plaintiff filed a complaint against CFC and Gartner with  
18 the California Department of Fair Employment and Housing. The filing of the DFEH complaint was  
19 timely under a tolling agreement reached by the parties.  
20

21 28. On April 24, 2008, Plaintiff received Right-to-Sue Notices from the  
22 Department of Fair Employment and Housing.

23 **FIRST CAUSE OF ACTION**

24 **(Wrongful Termination in Violation of Public Policy)**

25 29. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 28, above,  
26 as though fully set forth herein.  
27  
28

1           30. It is against the public policy of the State of California to terminate an  
2 employee on account of that employee's gender, as well as the employee's opposition to practices  
3 prohibited by the Fair Employment and Housing Act.

4           31. This public policy is embodied in, among other places, California Govt.  
5 Code § 12940, et seq and the California constitution.  
6

7           32. As set forth above, Defendants terminated Plaintiff based on her gender  
8 and because she complained that she was discriminated against on the basis of her gender.

9           33. As a result of Defendants' alleged conduct, Plaintiff has suffered loss of salary and  
10 other employment related benefits, and continues to suffer those losses, and expects to continue to  
11 suffer those losses until remedied through this action. Plaintiff also suffered extreme humiliation,  
12 mental anguish, and emotional and physical distress, all of which caused and continue to cause great  
13 physical and emotional pain and suffering.  
14

15           34. As a result of Defendants' unlawful acts, Plaintiff is also entitled to an  
16 award of attorneys' fees, and costs.

17           35. Defendants engaged in the acts alleged herein maliciously, fraudulently,  
18 and oppressively, and/or with the wrongful intention of injuring Plaintiff, and/or with an improper and  
19 evil motive amounting to malice. Plaintiff is thus entitled to recover punitive damages from  
20 Defendants in an amount to be proven at trial.  
21

22           WHEREFORE, Plaintiff prays for judgment as is further set forth below.

23                           **SECOND CAUSE OF ACTION**

24                           (Termination in Violation of  
25 Government Code § 12940, et seq.)

26           36. Plaintiff re-alleges and incorporates by reference paragraphs through 35, above,  
27 as though fully set forth herein.  
28

37. California Government Code §12940 protects against termination of an employee based on the employee's gender, as well as the employee's opposition to practices prohibited by the Fair Employment and Housing Act ("FEHA").

38. As set forth above, Defendants terminated Plaintiff based on her gender and because she complained that she was discriminated against on the basis of her gender.

39. As a result of Defendants' alleged conduct, Plaintiff has suffered loss of salary and other employment related benefits, and continues to suffer those losses, and expects to continue to suffer those losses until remedied through this action. Plaintiff also suffered extreme humiliation, mental anguish, and emotional and physical distress, all of which caused and continue to cause great physical and emotional pain and suffering.

40. As a result of Defendants' unlawful acts, Plaintiff is also entitled to an award of attorneys' fees, and costs.

41. Defendants engaged in the acts alleged herein maliciously, fraudulently, and oppressively, and/or with the wrongful intention of injuring Plaintiff, and/or with an improper and evil motive amounting to malice. Plaintiff is thus entitled to recover punitive damages from Defendants in an amount to be proven at trial.

**WHEREFORE, Plaintiff prays for judgment as is further set forth below.**

### THIRD CAUSE OF ACTION

**(Sex Discrimination in Violation of  
Government Code § 12940, et seq.)**

42. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 41, above, as though fully set forth herein.

43. California Government Code §12940(a) protects against discrimination in terms, conditions, or privileges of employment against an employee on the basis of her sex.

1           44. As set forth above, Defendants discriminated against Plaintiff on account of  
2 her sex by, *inter alia*, failing to provide her with the support and assistance provided to her male  
3 colleagues, subjecting her to different standards than her male colleagues, and treating her differently  
4 than her male colleagues. The failure to treat Plaintiff in the same manner as her male colleagues is  
5 indicative of the implicit bias against women that permeated Defendants' workplace.  
6

7           45. As a result of Defendants' alleged conduct, Plaintiff has suffered loss of salary and  
8 other employment related benefits, and continues to suffer those losses, and expects to continue to  
9 suffer those losses until remedied through this action. Plaintiff also suffered extreme humiliation,  
10 mental anguish, and emotional and physical distress, all of which caused and continue to cause, great  
11 physical and emotional pain and suffering.  
12

13           46. As a result of Defendants' unlawful acts, Plaintiff is also entitled to an  
14 award of attorneys' fees and costs.

15           47. In doing the things alleged herein, Defendants' conduct was despicable,  
16 and Defendants acted towards Plaintiff with malice, oppression, and fraud and with a willful and  
17 conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of punitive damages.  
18

19           WHEREFORE, Plaintiff prays for judgment as is further set forth below.

20                           **FOURTH CAUSE OF ACTION**

21                                   (Hostile Work Environment  
22                           In Violation of Government Code § 12940, et seq.)

23           48. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 47, above,  
24 as though fully set forth herein.

25           49. California Government Code §12940(a) protects against discrimination  
26 against an employee on the basis of her sex.  
27 /  
28

52. As a result of Defendants' alleged conduct, Plaintiff has suffered loss of salary and other employment related benefits, and continues to suffer those losses, and expects to continue to suffer those losses until remedied through this action. Plaintiff also suffered extreme humiliation, mental anguish, and emotional and physical distress, all of which caused and continue to cause, great physical and emotional pain and suffering.

54. In doing the things alleged herein, Defendants' conduct was despicable, and Defendants acted towards Plaintiff with malice, oppression, and fraud and with a willful and conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of punitive damages.

### FIFTH CAUSE OF ACTION

55. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 54, above, as though fully set forth herein.

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2. For punitive damages according to proof;
3. For attorneys fees with respect to the Second, Third, Fourth and Fifth Causes of Action;
4. For costs of suit;
5. For interest at the maximum legal rate on all sums awarded;
6. For such other relief that the Court deems just and proper.

Dated: July 2 2008

VINICK LAW FIRM

BY: Emily Nugent  
EMILY A. NUGENT  
Attorneys for Plaintiff

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury for each and every claim for which she has a right to jury trial.

Dated: July 2, 2008

VINICK LAW FIRM

BY: Emily Nugent  
EMILY A. NUGENT  
Attorneys for Plaintiff



**COPY**

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10 Attorneys for Gartner, Inc. and  
11 Computer Financial Consultants, Inc.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF SAN FRANCISCO  
14 UNLIMITED JURISDICTION

15 JENNIFER BOSSIN,

16 Plaintiff,

17 vs.

18 GARTNER CONSULTING GROUP;  
19 COMPUTER FINANCIAL CONSULTANTS;  
20 AND DOES 1 THROUGH 20, inclusive,

21 Defendants.

CASE NO. CGC-08-477180

ANSWER AND AFFIRMATIVE  
DEFENSES OF DEFENDANTS  
GARTNER, INC. AND COMPUTER  
FINANCIAL CONSULTANTS, INC.

ENDORSED  
FILED  
Superior Court of California  
County of San Francisco

AUG 26 2008

GORDON PARK-LI, Clerk

BY: ELIZABETH ZALDIVAR  
Deputy Clerk

Defendants Gartner, Inc. ("Gartner") and Computer Financial Consultants, Inc.<sup>1</sup> ("CFC") (collectively, "Defendants") hereby answer the unverified complaint ("Complaint") of plaintiff Jennifer Bossin filed on July 8, 2008, by submitting the following Answer and Affirmative Defenses:

### ANSWER

Answering each and all of the allegations of the unverified Complaint, pursuant to California Code of Civil Procedure section 431.30, Defendants deny, generally and specifically, each and every allegation in each and every paragraph of the Complaint and the whole thereof, and further deny that plaintiff is entitled to damages or relief in any amount or kind by reason of any act, breach or omission by Defendants.

### AFFIRMATIVE DEFENSES

Defendants assert the following affirmative defenses. By alleging these Affirmative Defenses, Defendants are not in any way agreeing or conceding that they have the burden of proof or burden of persuasion as to any of them.

#### FIRST AFFIRMATIVE DEFENSE

1. Plaintiff failed to make reasonable efforts to mitigate her damages, if any, and any damages awarded to plaintiff must be reduced accordingly.

#### SECOND AFFIRMATIVE DEFENSE

2. The Complaint and each and every cause of action alleged therein are barred because the Complaint has named as defendants entities that do not exist.

#### THIRD AFFIRMATIVE DEFENSE

3. The Complaint and each and every cause of action alleged therein are barred because the Complaint has named as defendants entities that did not employ plaintiff.

<sup>1</sup> While Plaintiff has named Gartner Consulting Group as a defendant, no such entity exists. Plaintiff alleges that CFC is the wholly owned subsidiary of Gartner Consulting Group, which it is not. CFC is a subsidiary of Gartner, Inc., which, based on plaintiffs' allegations, has made an appearance in this case. Both Gartner and CFC reserve the right to move to correct and/or dismiss themselves from this action at the appropriate time.

1 **FOURTH AFFIRMATIVE DEFENSE**

2 4. The Third, Fourth, and Fifth causes of action alleged in the Complaint are barred,  
3 in whole or in part, by the applicable statutes of limitations, including, without limitation, Code of  
4 Civil Procedure section 338 and 340 and Government Code sections 12960 and 12965.

5 **FIFTH AFFIRMATIVE DEFENSE**

6 5. Plaintiff has unreasonably delayed in bringing this action to the prejudice of  
7 Defendants, and thus her right to recover against defendants is barred by the doctrine of laches.

8 **SIXTH AFFIRMATIVE DEFENSE**

9 6. The Complaint and each and every cause of action alleged therein are barred  
10 because they fail to state facts sufficient to constitute a cause of action upon which relief may be  
11 granted.

12 **SEVENTH AFFIRMATIVE DEFENSE**

13 7. The Complaint and each and every cause of action alleged therein, are barred  
14 because plaintiff failed to exhaust the internal remedies available to her under her employer's  
15 policies and procedures.

16 **EIGHTH AFFIRMATIVE DEFENSE**

17 8. Any claim plaintiff purports to make for damages for unlawful harassment is barred  
18 or limited because her employer took reasonable steps to prevent and correct workplace  
19 harassment; plaintiff unreasonably failed to use the preventive and corrective measures provided;  
20 and reasonable use of these procedures would have prevented at least some of the harm that  
21 Plaintiff alleges she suffered.

22 **NINTH AFFIRMATIVE DEFENSE**

23 9. The Complaint, and each and every cause of action alleged therein, are barred, in  
24 whole or in part, by the doctrine of estoppel.

25 **TENTH AFFIRMATIVE DEFENSE**

26 10. The Complaint, and each purported cause of action therein, allege no facts that  
27 entitle plaintiff to an award of punitive damages.  
28

**ELEVENTH AFFIRMATIVE DEFENSE**

11. The imposition of punitive damages in this case would violate the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution, and would fail to provide due process under Article I, section 7 of the California Constitution, and would constitute an excessive fine under the Excessive Fines clause of the California Constitution, because the standards of liability for punitive damages in California are unduly vague and subjective, and permit retroactive, random, arbitrary and capricious punishment that serves no legitimate governmental interest.

**TWELFTH AFFIRMATIVE DEFENSE**

12. Plaintiff's First Cause of Action does not support an award of attorneys' fees, as requested in the first cause of action.

**PRAYER**

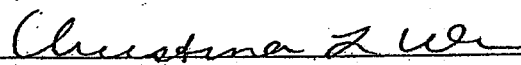
WHEREFORE, Defendants pray from judgment in their favor and against plaintiff on all causes of action in the Complaint and that the Complaint be dismissed with prejudice, that plaintiff take nothing by her Complaint, and that Defendants be awarded costs, attorneys' fees, and such other and further relief as the Court may deem proper.

DATED: August 26, 2008

Respectfully submitted,

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

By



Christina L. Wu  
Attorneys for Gartner, Inc. and  
Computer Financial Consultants, Inc.

**PROOF OF SERVICE**

I am employed in the County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 50 California Street, 22nd Floor, San Francisco, California 94111.

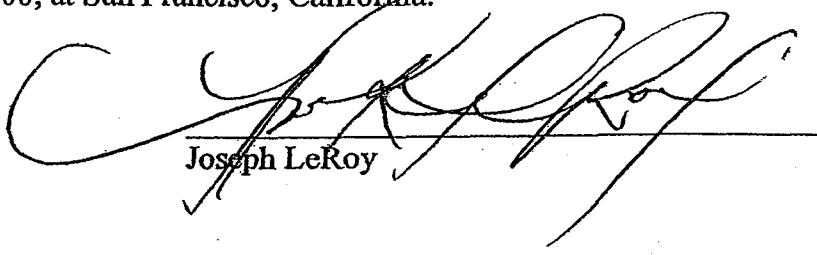
On August 26, 2008, I served true copies of the following document(s) described as **ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS GARTNER, INC. AND COMPUTER FINANCIAL CONSULTANTS, INC.** on the parties in this action as follows:

**SEE ATTACHED LIST**

**BY MAIL:** I enclosed the foregoing into sealed envelope(s) addressed as shown above, and I deposited such envelope(s) in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 26, 2008, at San Francisco, California.

  
Joseph LeRoy

**SERVICE LIST**

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